IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

Crl.MC.No. 771 of 2007(B)

(C.R. NO. 185/2005 OF THE EXCISE RANGE OFFICE, KARUNAGAPPALLY, KOLLAM DISTRICT)

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PETITIONER/ACCUSED NO.1 AND 2:

1. **MURALI, S/O.GOVINDAN, KIZHORE BHAVAN, MARUTHOOR KULANGARA VAKKU MURI, KARUNAGAPPALLY VILLAGE, KOLLAM DISTRICT.**
2. **SHINE, S/O.RAGHAVAN, KANNIMEL HOUSE, KLAPPANA THEKKU MURI, KLAPPANA VILLAGE, KARUNAGAPPALLY TALUK, KOLLAM DISTRICT.**

BY ADV. SRI.C.C.THOMAS.

RESPONDENT/COMPLAINANT:

STATE OF KERALA, REPRESENTED BY EXCISE INSPECTOR, EXCISE RANGE OFFICE, KARUNAGAPPALLY, KOLLAM DISTRICT BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20/06/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C.No.771 Of 2007

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Dated this the 20th day of June, 2007

ORDER

The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni** [2007(1) KLT 151 (S.C)], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained. This Crl.M.C is, in these circumstances, allowed. All proceedings in pursuance of C.R.No.185/2005 of Excise Range Office, Karunagappally, Kollam against the petitioners are hereby quashed.

(R.BASANT, JUDGE)

sj